

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>TIMOTHY RICE,</b>	:	<b>Civil No. 1:19-CV-285</b>
	:	
<b>Plaintiff</b>	:	
	:	<b>(Judge Rambo)</b>
<b>v.</b>	:	
	:	<b>(Magistrate Judge Carlson)</b>
<b>C.O. KELLY, et al.,</b>	:	
	:	
<b>Defendants.</b>	:	

**MEMORANDUM ORDER**

This case is a civil rights action brought by a state prisoner. The plaintiff has now filed documents styled as a motion for discovery, (Doc. 21) and a motion asking that his deposition be conducted at the federal courthouse. (Doc. 22.)

The plaintiff is advised that no motion is required to request production of documents or other discovery. Rather under federal practice the plaintiff “must direct his discovery requests to defense counsel, and only after a dispute has arisen, file a motion to compel.” White v. Bledsoe, CIV. 3:CV-08-01388, 2008 WL 4793737 (M.D. Pa. Oct. 31, 2008). Moreover the party receiving the request for production of documents has 30 days in which to respond. Therefore, the defendants are not delinquent in any response to Rice’s discovery demands at this time. Accordingly, these pleadings will be construed as a request for production and the

defendants are instructed to respond in accordance with Rule 34, lodging any answers and objections they deem appropriate. However, because no motion is needed authorizing the plaintiff to take this initial step in the discovery process Rice's motion for an order compelling this discovery (Doc. 21) is DENIED.

Likewise, we will not direct that Kelly's previously ordered deposition be conducted at the federal courthouse, but will instruct all parties to ensure that a complete stenographic record of the deposition is created so we may have a full and accurate account of Kelly's testimony. Therefore the motion to direct that this deposition take place at the federal courthouse is also DENIED. (Doc. 22.)

So ordered this 26<sup>th</sup> day of June 2019.

S/Martin C. Carlson  
Martin C. Carlson  
United States Magistrate Judge